

**REMARKS**

The office action of March 15, 2005, has been carefully considered.

It is noted that the application is objected to for not containing section headings.

The drawings are objected to under 37 C.F.R. 1.84(p)(4).

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-6 are further rejected under 35 U.S.C. 102(e) over the patent to Mondragon et al.

In connection with the Examiner's objection to the application, applicant has amended the specification to include section headings.

In view of these considerations it is respectfully submitted that the objection to the application is overcome and should be withdrawn.

Regarding the Examiner's objection to the drawings, applicant has enclosed herewith two sheets of amended drawings. In Fig. 2, the figure legend has been corrected, as well as a reference numeral. In Fig. 3, one of the reference numerals "60" has been changed to --70--. Also, the specification has been amended so there are no common reference characters that designate different elements. It respectfully submitted that no new matter is added by these changes.

Regarding the dash-dot lines mentioned in the specification that the Examiner says are not shown in the drawings, applicant respectfully directs the Examiner's attention to Fig. 3 where the dot-dash lines are shown extending from the upper end of the guide rail 30.

In view of these considerations it is respectfully submitted that the objection to the drawings is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-6 and added new dependent claims 7-10.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-6 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, it can be seen that the patent to Mondragon et al. discloses a guide track assembly and mounting brackets for upward acting doors. Although Mondragon et al. disclose a door with a number of different rail segments, applicant respectfully submits that they do not disclose a door having the features recited in the claims presently on file. Specifically, Mondragon et al. do not disclose the rail elements being connected at the arc-shaped sections so that the straight sections are at an angle of 90° to each other, and so that the

tangents to the ends of the arc-shaped sections facing away from the straight sections enclose with each other an acute angle of more than  $3^{\circ}$  and less than  $15^{\circ}$ , as in the presently claimed invention. At the time of the priority date of Mondragon et al., guide elements were produced with such an accuracy that a tangent to the end of the arc-shaped section facing away from the straight section and the corresponding straight section include a predetermined angle with an accuracy of by far less than  $1^{\circ}$ . Thus, even if one takes into consideration production tolerances, the limitations recited in claim 1 presently on file are not disclosed by Mondragon et al.

In view of these considerations it is respectfully submitted that the rejection of claims 1-6 under 35 U.S.C. 102(e) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.



LZ-89

Respectfully submitted,

By

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Dated: June 15, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on June 15, 2005.

By:

Friedrich Kueffner

Date: June 15, 2005

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings include changes to Figs. 1 and 3. These sheets, which include Figs. 1-3, replace the original sheets including Figs. 1-3. The second Fig. 1 has been amended to be Fig. 2. Fig. 3 has been amended to change one of the reference numerals "60" to --70--.

Attachment: Replacement Sheets (2)